

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOSEPH MANTHA, *on behalf of himself
and all others similarly situated,*

Plaintiff,

v.

QUOTEWIZARD.COM, LLC,

Defendant.

Civil Action No. 1:19-cv-12235-LTS

DEFENDANT'S MOTION TO COMPEL SUBPOENA RESPONSE OF NON-PARTY
(Memorandum Incorporated)

Now Comes Defendant QuoteWizard.com, LLC (“QuoteWizard”) and hereby respectfully moves the Court for an Order compelling non-party Bold Media Group, Inc. (“Bold Media”) to respond to QuoteWizard’s Fed. R. Civ. P. 45 Subpoena for Documents dated July 27, 2020. In support of this Motion, QuoteWizard states as follows:

1. On July 29, 2020, QuoteWizard served a Rule 45 Subpoena (dated July 27, 2020) on non-party Bold Media, seeking the production of documents relevant to this case. The Subpoena was properly served on Bold Media c/o Incorp Services, Inc. as its statutory agent. The deadline for compliance was August 6, 2020, but no objections or response was ever received. True and accurate copies of the Subpoena and the Affidavit of Service thereof are attached hereto as **Exhibit 1** and **Exhibit 2** respectively.

2. QuoteWizard has made multiple attempts to follow up with Bold Media on its non-response but, to date, has not received any communications in response from Bold Media.

3. The time for service of objections has long since passed and therefore any objections to the Subpoena have been waived. *See* Fed. R. Civ. P. 45.

4. QuoteWizard requires a response to the Subpoena because the sought-after documents are relevant to its defense that the Plaintiff Joseph Mantha consented to and/or solicited contact about auto insurance quotes. Separate from the lead at issue in this case, and just days before QuoteWizard purchased the lead at issue herein from a different non-party, Bold Media sold (or at least attempted to sell) a lead for Plaintiff to QuoteWizard. The Subpoena to Bold Media seeks information concerning Bold Media's lead, including from where Bold Media's lead originated.

5. QuoteWizard through counsel attempted to obtain Bold Media's compliance with the Subpoena informally and without the need for Court intervention by repeatedly attempting to contact Bold Media by phone and e-mail, but has exhausted such options and now requires Court intervention.

6. At this time, QuoteWizard does not seek any other relief beyond an Order requiring Bold Media to comply with its Subpoena, but QuoteWizard reserves its right to seek other and additional relief (including but not limited to its attorneys' fees) in the event there is further non-compliance requiring Court intervention.

7. QuoteWizard's counsel contacted Plaintiff Joseph Mantha's counsel on December 2, 2020 requesting his assent to this Motion, but has not heard back at the time of filing.

WHEREFORE, QuoteWizard respectfully requests that the Court grant its Motion and Order Bold Media to provide a substantive response to QuoteWizard's Subpoena within fourteen (14) days.

[Signatures on Next Page]

Respectfully submitted,

QuoteWizard.com, LLC,
By its attorneys,

/s/ Christine M. Kingston

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Dated: December 3, 2020

LR 7.1 CERTIFICATION

I, Christine M. Kingston, hereby certify that I e-mailed all counsel for Plaintiff on December 2, 2020 pursuant to LR 7.1 asking whether Plaintiff assented to the relief requested herein, but I have not received a response.

Dated: December 3, 2020

/s/ Christine M. Kingston

CERTIFICATE OF SERVICE

I, Christine M. Kingston, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

Dated: December 3, 2020

/s/ Christine M. Kingston